

****Please be advised that the use of these forms may not be proper for your specific legal situation****

****Please make an independent determination whether use of these forms is appropriate****

UNITED STATES DISTRICT COURT

DISTRICT OF NORTH DAKOTA

☐ NE ☐ NW ☒ SE ☐ SW DIVISION

(Check the correct Division. See D.N.D. General Local Rule 1.1)

ERICK RALPH SCHWENKE

(Enter full name of each Plaintiff, above)

vs.

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION (EEOC)

U.S. DEPT. OF JUSTICE

(Enter full name of each Defendant, above)

Civil Case No. _____
(To be assigned by Clerk of Court)

§ JURY TRIAL DEMANDED ☒ Yes ☐ No
(Check one)

COMPLAINT

I. JURISDICTION. State the grounds for filing this case in Federal Court (include federal statutes or U.S. Constitutional provisions).

PLEASE ATTACHED DOCUMENT

" INFORMATION RELATED TO FILING SUIT UNDER THE
LAWS ENFORCED BY THE EEOC "

II. PLAINTIFF. For each Plaintiff list: name and address including City, County and State.

BRICK R. SCHWENKE
2830 7TH ST. WEST #314
WEST FARGO, N.D. 58078

III. DEFENDANT. For each Defendant list: name and address including City, County and State.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
131 M STREET, NE
WASHINGTON, DC. 20507

IV. **CLAIM.** State the facts of your claim. Include the name of each person involved, dates and places. Be as specific as possible. Do not give any legal argument or cite any cases or statutes. Use additional sheets of paper if necessary.

PLEASE SEE ATTACHED TITLED
"FEDERAL DISTRICT COURT CASE"
TOGETHER WITH
EXHIBIT # I - # XVII DOCUMENTS

V. **ADMINISTRATIVE PROCEDURES.** If applicable, state whether your claim was heard by any administrative agencies; the type of proceedings; the date and place of any proceedings; the outcome of any administrative proceedings.

I, Emil M. Schmale, filed my Charge(s) with the EEOC in December 2007. An EEOC Investigator from the San Diego, Ca Office initially contacted me in April 2009. In July 2009, the Investigator stated that he did not find any merit in my Charge(s). I spoke with the EEOC local office director at San Diego, Ca. who stated that he was closing the case with no merit in my Charge(s). I received a Final Determination Letter (please see attached "Equal Employment Opportunity Commission Dismissal and Notice of Rights") to this same effect in October 2009.

VI. RELIEF. State what you want the Court to do for you.

① Enact a mandatory process by which employers are required to provide information in the forms of verbal & written documentation to the applicant, prospective employee as to the full meaning & implications involved with the Americans with Disabilities Act mandated question related to "reasonable accommodation" before he/she is permitted to answer the question.

② Enact a mandatory process by which the EEOC is required to inform the individual(s) of the "interactive process" as outlined according to the current laws related to Charges of Discrimination, whenever a charge claim is filed with the EEOC.

③ award mitigating & other applicable financial damages for the period of December 2007 to January 2009 (original intended employment period pertaining to this case, est. \$70,000.00 - \$90,000.00).

VII. SIGNATURE. Each Plaintiff must individually sign this complaint.

Signed this 20th day of November, 2009.

Eric A. Adk

Signature of Plaintiff

ERICK R. SCHWENKE

Printed Name of Plaintiff

2830 7th ST. WEST #314

Mailing Address

WEST FARGO, N.D. 58078

City, State, Zip Code

701-248-0864

Telephone Number of Plaintiff

Signature of Plaintiff

Printed Name of Plaintiff

Mailing Address

City, State, Zip Code

Telephone Number of Plaintiff